

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES - GENERAL**

Case No.	CV 12-4375-ODW (AJWx)	Date	September 19, 2012
Title	<i>Avakian v. American Express Centourion Bank</i>		

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Present: The Honorable	Otis D. Wright, II, United States District Judge
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Sheila English	Not Reported	N/A
Deputy Clerk	Court Reporter	Tape No.

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Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
None	None

**Proceedings:** IN CHAMBERS - ORDER TO SHOW CAUSE RE REVOCATION OF IN FORMA PAUPERIS STATUS

The Court has received Plaintiff Araik Avakian's Complaint, as well as an Order granting Plaintiff leave to proceed *in forma pauperis*. (ECF Nos. 2, 3.)

To avail himself of the protections of the *in forma pauperis* statute, Plaintiff "must show he is unable to 'pay or give security for the costs . . . and still be able to provide' himself and dependents 'with the necessities of life.'" *Brown v. Herald Co., Inc.*, 464 U.S. 928, 930 (1983) (Brennan, J. dissenting) (quoting *Adkins v. DuPont Co.*, 335 U.S. 331, 339 (1948)); *United States v. McQuade*, 647 F.2d 938 (9th Cir. 1981) ("[I]t is proper and indeed essential for the supporting affidavits to state the facts as to affiants poverty with some particularity, definiteness, and certainty." (quoting *In re Stump*, 449 F.2d 1297, 1298 (10th Cir. 1969))). To do so, at a minimum, he must provide a statement of his available assets, as well as a brief description of the nature of the action and a statement in support of his request for relief. See 28 U.S.C. § 1915. The nature and scope of the inquiry undertaken prior to granting *in forma pauperis* status is within the discretion of the district court. *Id.* (noting that "[i]t is within the court's discretion to make a factual inquiry" into the merits of the party's request for *in forma pauperis* treatment).

The Court finds that Plaintiff's Request to Proceed *In Forma Pauperis* was incomplete. According to Plaintiff's Request, he is not employed, has no cash or savings, and owns nothing of value. Plaintiff also states that he last filed an Income Tax return in 2006. Plaintiff, however, did not provide the Court with any information about his past employment and income.

Moreover, Plaintiff is represented by attorney Arshak Bartoumian, who has a large number of cases pending before this district that are proceeding *in forma pauperis*. It is not uncommon that Mr. Bartoumian files a notice of appearance immediately after a plaintiff has been granted leave to proceed *in forma pauperis*. Here, however, Plaintiff's Complaint (but not his Request) indicates he was already represented by Mr. Bartoumian when he filed his Request.

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Based on Plaintiff's failure to complete the affidavit in support of his Request, the Court orders Plaintiff to show cause, in writing not to exceed 10 pages, why his *in forma pauperis* status should not be revoked. Plaintiff shall respond to the following inquiries no later than **Tuesday, October 2, 2012**:

- (1) What sources of income do you use to pay your day-to-day living expenses? What is your approximate monthly cost of living?
- (2) Where do you live? What is the amount of your monthly rent or mortgage? How do you pay that amount? Do you own a home? Do you live with other individuals? If so, with whom? Do you have an ownership interest in any other real property?
- (3) Are you currently employed? If not, when were you last employed? Describe your previous job and the duration of your employment there. State the amount of the salary and wages per month that you received.<sup>1/</sup>
- (4) Do you own any credit cards? If so, what are the credit limits for each card?
- (5) Are you currently receiving any benefits under federal or state governmental programs? If so, under which programs and for what amount per month?
- (6) Do you own any other assets, *e.g.*, stocks, bonds, automobiles, valuable personal property, etc.? If the answer is yes, please describe the assets and their approximate value. If the answer is no, have you sold any valuable personal assets within the last two years? If so, please describe the assets, the date they were sold, and the value derived from their sale. If you do not currently own an automobile please provide information about the last vehicle, if any, that you owned. Include information regarding the type of automobile, date of purchase, date of sale or other disposition of the vehicle, and sale price, if applicable.
- (7) Have you ever been a party to any other action, civil or criminal, in this District? If so, did you proceed *in forma pauperis* in those cases? Please describe each case you have been involved in separately.

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<sup>1/</sup> The Court notes that these inquiries appear on the Central District's Request to Proceed *In Forma Pauperis*. Plaintiff failed to complete this part of the form.

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- (8) Provide any additional information which may assist the Court in assessing your Request to Proceed *In Forma Pauperis* (e.g., a copy of your most recently filed Income Tax return, if any).

IT IS SO ORDERED.